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POSTAL RATE COMMISSION
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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

Complaint on Sunday
and Holiday Collections

Docket No. C2001-1

MOTION OF THE UNITED STATES POSTAL SERVICE
FOR PARTIAL RECONSIDERATION OF PRESIDING OFFICER'S
RULING NO. C2001-1/6
(July 27, 2001)

On July 23, 2001, Presiding Officer's Ruling No. C2001-1/6 granted Douglas Carlson's motion to compel responses to DFC/USPS-19 - 21. The Postal Service will shortly be filing its compelled responses to DFC/USPS-20 and 21. As discussed below, however, the Postal Service hereby moves for partial reconsideration of the Ruling with respect to DFC/USPS-19.

DFC/USPS-19 involves the contents of the inventory portion of the Collection Box Management System (CBMS) database. Mr. Carlson has requested, and P.O. Ruling No. 6 would grant him, access to a variety of information about every collection box in the country. The database includes information about box location, box type, and weekday, Saturday, and holiday collection schedules. The Postal Service objected to providing this information on the grounds of security concerns, but suggested that those concerns could be met by the imposition of protective conditions. The Ruling established protective conditions, and that matter is no longer at issue. The Postal Service also argued that the calculations that Mr. Carlson proposed to develop with the information requested would not provide any material advancement to the state of the record. The Ruling recognized the potential limitations of those calculations, but

declined to adopt them as a reason to deny Mr. Carlson access to the data necessary to conduct them. Ruling at 5. While the Postal Service continues to strongly disagree with that conclusion, it is not the basis for the instant motion for partial reconsideration. The Postal Service is not challenging the Presiding Officer's determination to grant Mr. Carlson access to the data necessary to conduct the calculations he has proposed.

Instead, the Postal Service seeks reconsideration of that portion of the Ruling which grants Mr. Carlson access to the entire database, even though he has failed to articulate any potential application for what amounts to the majority of the information in the database. The Ruling acknowledges the potential merit of the Postal Service's argument on the over-breadth of the request, but points to the lack of an articulated difference in burden between providing the entire database versus merely what is relevant. Ruling at 5. The Postal Service respectfully suggests, however, that this is not the appropriate standard. There should be no obligation to provide irrelevant information even if that information is available without any burden. Compelling access to an entire database just because of the asserted relevance of a fraction of that database could open the door to harmful abuses of the discovery process. Examination of Mr. Carlson's June 26 motion to compel demonstrates that he has claimed a need for, at most, a fraction of the database. Therefore, the Postal Service requests that P.O. Ruling No. 6 in this proceeding be reconsidered and amended to allow the Postal Service to match the information provided to Mr. Carlson with the uses he has expressly articulated, in accordance with the following guidelines.

Mr. Carlson has articulated two, essentially unrelated, grounds upon which he claims he can use the requested information to support his positions. The first involves

collections on the holidays themselves, and the second involves holiday eves. These can quite reasonably be viewed as two separate sets of information, and the Postal Service proposes that they be treated as such.

Holiday Collections

The only discussion in the June 26 Motion to Compel of the relevance of information specifically regarding boxes with posted holiday collection times is found on page 6. There, Mr. Carlson claims to need to know the location of the one percent of collection boxes that post a holiday collection schedule in order to determine the extent of compliance with the instructions to the field that the holiday field should be left blank unless mail in the box is collected and processed on every holiday. In fact, as pointed out in the opposition to the motion to compel, Mr. Carlson does not necessarily need to know the location of the boxes to obtain that information. He could simply have asked the Postal Service to determine how many of the boxes with posted holiday collections are located in areas in which mail is collected and processed on every holiday. Even with respect to the one percent of boxes with posted holiday collections, his reasoning is faulty.

Nevertheless, within the constraints of P.O. Ruling No. 6, the Postal Service is willing to provide information on the location of the very small fraction of the boxes with posted holiday collection pickups. That information would consist of the information in the fields numbered 1 through 5 in the discussion on pages 7-9 of the Motion to Compel (Location ID, Address, Description, Service class, Box type). Included in this data set would also be the CBMS information on posted holiday collection pickups, although, logically, knowledge of the specifics of the posted holiday collection times is not

necessary to achieve Mr. Carlson's stated rationale. There is clearly no reason why, however, the posted collection times for weekdays and Saturdays for those boxes would contribute in any way to the analysis Mr. Carlson has described. Therefore, collection times for weekdays and Saturdays are irrelevant, and should be allowed to be excluded from the Holiday data set.

Holiday Eves

The primary thrust of Mr. Carlson's relevance argument in the Motion to Compel is contained within the discussion on pages 4-6 regarding the alleged need to quantify the harm caused to customers by early collections on holiday eves. In Mr. Carlson's view, the alleged harm is related to the number of hours between the normal posted collection time, and the advanced actual collection time, for each box affected by the early collections. As explained in the opposition to the motion to compel, it is the Postal Service's view that such an analysis of alleged harm is utterly specious, but that debate must await another day. There are, however, two germane points to be made for purposes of this motion. First, the analysis only has application to those Districts which advanced collections on a holiday eve. Second, even for those Districts, the only information necessary to do the quantification that Mr. Carlson proposes is, for each box, the advanced collection time, and the collection time that otherwise would have applied. There is no reason not to limit the Holiday Eve data set to that information.

The most egregious over-breadth of the data request is apparent with regard to Districts. The Postal Service has 85 Districts. Mr. Carlson points to the response to DFC/USPS-14 that indicates that 28 Districts advanced collections on Christmas or New Year's Eve in 1999, 14 Districts similarly advanced collections in 1998, and 2

Districts advanced holiday eve collections in 2000. Motion to Compel at 4. What Mr. Carlson did not mention, however, is the substantial overlap between the 28, the 14, and the 2. As explained in more detail below, once the information is examined more thoroughly and duplications are eliminated, only a total of 27 Districts actually advanced collections on any of the dates mentioned by Mr. Carlson in his Motion to Compel. Out of the 85 Districts, therefore, that leaves a total of 58 Districts for which the data requested in DFC/USPS-19 appear to have absolutely no applicability in the context of calculation of alleged "harm" from advanced collections on holiday eves. Apart from whatever stray boxes from those Districts might be included in the Holiday data set described above, Mr. Carlson has failed to identify any relevance for CBMS data from those Districts to the issues in this proceeding. At a minimum, with respect to the Holiday Eve data set, the Ruling should be amended to permit exclusion of data from Districts for which there is no indication that collections have been advanced on holiday eves. Alternatively stated in the affirmative, the Holiday Eve data set should be limited to those Districts specifically identified and discussed below.

With respect to those Districts that did advance collections on holiday eves, the information contained in LR-4 provides the necessary details of which Districts those were, and how their collections were adjusted. (In his motion, Mr. Carlson understandably relied upon the response to DFC/USPS-14 as the best available information, because LR-4 had not yet been filed.) Those Districts can further be subdivided into two groups. One group would consist of the Districts that only advanced their holiday eve collections to a specified time. The second group would be those Districts that advanced their holiday eve collections, in at least one instance, by

shifting to a Saturday collection schedule.

An examination of LR-4 shows that considering Christmas/New Year's Eve in either or both 1998 and 1999, the following 20 Districts advanced their last collections to a time certain (e.g., 1 p.m.):

Spokane	Detroit	Seattle	Dakotas
Northland	Central NJ	Long Island	Northern NJ
Albany	Boston	Connecticut	Middlesex/MA
SE New England	Western NY	Atlanta	Rio Grande
Houston	Cal/WY	Las Vegas	South Florida

To do his calculation for these Districts, Mr. Carlson merely needs to know from CBMS the last posted weekday collection time for each box.¹ The difference between that time and the announced time certain becomes his quantification of alleged "harm" to customers. The last posted Saturday pickup has no relevance for this calculation, and therefore the Saturday collection field should be excluded for these Districts.

Moreover, for purposes of the only quantification exercise that Mr. Carlson has identified, it is largely unnecessary to know the location of individual boxes within the District. With two exceptions, all boxes in these Districts appear to have been treated the same. Therefore, there is no apparent use within the exercise of the fields regarding Box Location ID Number, Box Address, or Description of Address, and those

¹ Actually, LR-4 indicates that the Dakotas District advanced collections at each box by 2 hours, so that the most direct calculation for that District would merely be the number of affected boxes times 2 hours. Nevertheless, the Postal Service proposes to provide the same CBMS information for the boxes in the Dakotas District as for the others in this group.

fields could also be omitted. The number of hours that collection of any box was advanced can be calculated under Mr. Carlson's proposed methodology without that information. The exceptions are the Rio Grande District, where the advanced collection time varied within the District, and SE New England, where advanced collections on one holiday eve were limited to one 5-digit ZIP Code. Therefore, Box Location ID Number information would need to be included for those two Districts.

The second group within the Holiday Eve data set would be those Districts for which quantification of the alleged "harm" caused by the schedule advancements reported in LR-4 would require, for at least one holiday eve, use of the Saturday collection schedule. Those 7 Districts are:

Royal Oak	Appalachian	Baltimore	Capital
N.VA	Triboro	New York	

For these Districts, therefore, both the weekday and the Saturday fields would need to be provided. Once again, in most instances the locations of the boxes are irrelevant, as the advancements were uniform throughout the District. The exception in this instance is Royal Oak, where collections from boxes in front of post offices were not advanced, and therefore location ID and description information would need to be included for that District.

Note that omitted from this discussion are some of the Districts listed in the response to DFC/USPS-14. An examination of LR-4 shows that for the Greater Michigan, Central Illinois, Dallas, and Louisiana Districts, the available information only references early retail closings, or indicates that certain unspecified boxes would not be collected in selected buildings (presumably because the holiday has disrupted public

access). For those Districts, even if CBMS data were provided, there is no apparent way that the information could be employed to perform any calculation exercise.

Therefore, those Districts have been included within the above total of 57 Districts for which disclosure of any information, at least in the Holiday Eve data set, is not warranted.

CONCLUSION

P.O. Ruling No. 6 grants Mr. Carlson access to the entire CBMS inventory database in order to examine boxes with posted holiday collections, and to calculate alleged “harm” to customers from advanced collections on holiday eves. Yet only 1 percent of the boxes show holiday collection times, and only one-third of the Districts are reported to have advanced collections on holiday eves. For boxes without holiday collections and for Districts that did not advance collections, the requested CBMS data are irrelevant, and should be excluded from the scope of the compelled response to DFC/USPS-19. Even within the subset of boxes for which Mr. Carlson conceptually could make the calculation of alleged “harm” he has outlined in his motion to compel, there are discrete information fields that are not relevant to the calculation, and that data should likewise be excluded from the scope of the compelled response.

Therefore, the Postal Service respectfully requests that P.O. Ruling No. C2001-1/6 be partially reconsidered, and that the scope of the compelled response to

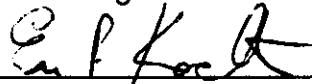
DFC/USPS-19 be limited in accordance with the discussion in the body of this motion.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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CERTIFICATE OF SERVICE

I hereby certify that, in accordance with section 12 of the Rules of Practice, I have this day served the foregoing document upon:

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